

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 181

BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAMS

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Subchapters 1 and 2 reserved

Subchapter 3

Definitions

24.181.301 DEFINITIONS For the purpose of this chapter the following definitions apply:

(1) "Average daily census" means the arithmetical average of the number of participants served daily by the program, calculated over a calendar year. This number is calculated by adding the total number of service days, as defined in (2), provided by the program during the last calendar year, and divided by 365 days.

(2) "Number of service days" means any portion of a 24 hour period in which service is provided to one participant, multiplied by the number of actual participants on that day.

(3) "Participant" means any youth or adolescent to whom services are being provided by the program. (History: 37-1-131, 37-48-103, MCA; IMP, 37-1-131, 37-48-103, MCA; NEW, 2005 MAR p. 2677, Eff. 12/23/05.)

Subchapter 4

General Provisions

24.181.401 REGISTRATION FEE SCHEDULE (1) All programs must register prior to being licensed.

(2) The registration fee covers a one year period.

(3) Registration fees are calculated according to the program's average daily census:

- | | |
|-------------------------------|--------|
| (a) 0-10 participants | \$ 500 |
| (b) 11-50 participants | 3000 |
| (c) 51-100 participants | 6000 |
| (d) 101 and more participants | 9000 |

(4) For any program previously registered under the 2005 legislation and which registers between May 23, 2008 and June 30, 2008, such program will have until June 30, 2009, in which to complete the registration requirements.

(5) All programs registering between May 23, 2008 and June 30, 2008, are required, at the same time they submit their registration application and registration fee, to submit their provisional licensing fee.

(6) For any program registering at any time between July 1, 2008, and June 30, 2009, such program shall pay both their registration fee and their provisional licensing fee at the same time. The provisional licensing fee shall cover the period up to and including June 30, 2009.

(7) Any program that is registered and/or licensed (provisional or otherwise) during the period between July 1, 2008, and June 30, 2009, will be required to renew the license on or before June 30, 2009.

(8) All fees provided for in this rule are nonrefundable and are not prorated for portions of the registration period. (History: 37-1-131 37-48-103, MCA; IMP, 37-1-134, 37-48-103, 37-48-107, MCA; NEW, 2005 MAR p. 2677, Eff. 12/23/05; AMD, 2008 MAR p. 1031, Eff. 5/23/08.)

24.181.402 LICENSING FEE SCHEDULE (1) Programs will be licensed annually. Beginning July 1, 2009, the annual period will run from July 1 to June 30 of the following year.

(2) Licensing fees are calculated according to the program's average daily census:

- | | |
|-------------------------------|--------|
| (a) 0-10 participants | \$ 260 |
| (b) 11-50 participants | 800 |
| (c) 51-100 participants | 1600 |
| (d) 101 and more participants | 2400 |

(4) All fees provided for in this rule are nonrefundable and are not prorated for portions of the licensing period. (History: 37-1-131, 37-48-103, MCA; IMP, 37-1-134, 37-48-103, 37-48-106, MCA; NEW, 2008 MAR p. 1031, Eff. 5/23/08.)

24.181.403 FEE ABATEMENT (1) The Board of Private Alternative Adolescent Residential or Outdoor Programs adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301. (History: 37-1-131, 37-48-103, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2008 MAR p. 1031, Eff. 5/23/08.)

24.181.404 BOARD MEETINGS (1) The board shall annually elect a board chairperson and a vice chairperson at its fall meeting. The chairperson shall preside over all proceedings before the board. In the chairperson's absence, the vice-chairperson shall preside. In the absence of both, the board shall appoint an acting chairperson to preside. (History: 37-1-131, 37-48-103, MCA; IMP, 37-1-131, 37-48-101, 37-48-103, MCA; NEW, 2005 MAR p. 2677, Eff. 12/23/05.)

Subchapter 5

Licensing and Scope of Practice

24.181.501 APPLICATION FOR REGISTRATION (1) A program applicant shall submit an application on a form prescribed by the department. The application must be complete and accompanied by the appropriate fees and the following documentation:

- (a) a detailed description of the program, including but not limited to:
 - (i) program mission statement;
 - (ii) program history, including any prior names, locations and ownership;
 - (iii) all insurance coverages, including workers' compensation;
 - (iv) professional affiliations;
 - (v) current educational, athletic, psychological and other services provided;
 - (vi) all locations and facilities where program services to participants are or will be provided; and
 - (vii) how and where participants are housed;
- (b) a detailed description of the population served by the program;
- (c) the contact information for each program, including the person responsible for the conduct of the program;
- (d) a list of professional and supervisory employees and relevant credentials and other qualifications;
- (e) the average daily census. If the program did not operate during the prior calendar year, the applicant shall estimate the expected average daily census during the first calendar year of operations; and
- (f) a copy of program policies and procedures, including but not limited to:
 - (i) admission;
 - (ii) communication with family members;
 - (iii) the availability of routine and emergency medical and psychological care;
 - (iv) medication management;
 - (v) complaints or grievances; and
 - (vi) behavior management, including but not limited to:
 - (A) discipline;
 - (B) punishment;
 - (C) consequences;
 - (D) incentives; and
 - (E) use of seclusion and/or restraints.

(2) Incomplete applications will be returned. The applicant may correct any deficiencies, complete any requirements necessary for registration and resubmit the application to the board office. Failure to resubmit the deficient application within 60 days from the date the notice of deficiency is sent from the board office will be treated as a voluntary withdrawal of the application and all fees will be forfeited.

(3) After withdrawal of an application, the applicant will be required to submit a new application, including supporting documentation and appropriate fees.

(4) Registration applications submitted to the board will be reviewed by department staff, which may request such additional information as it deems reasonably necessary.

(5) Registration applications that are deemed complete will be issued a registration certificate by the department.

(6) A program's registration is nontransferable.

(7) Programs that are registered will be listed as being registered on the Montana state website. (History: 37-1-131, 37-48-103, MCA; IMP, 37-1-131, 37-48-103, MCA; NEW, 2005 MAR p. 2677, Eff. 12/23/05.)

24.181.502 IMPLEMENTATION (1) Programs existing on December 23, 2005 have until January 23, 2006 in which to submit the program's registration application.

(2) Programs not in existence when this rule becomes effective must submit the program's registration application before the program begins serving participants. (History: 37-48-103, MCA; IMP, 37-48-103, MCA; NEW, 2005 MAR p. 2677, Eff. 12/23/05.)

Rules 24.181.503 and 24.181.504 reserved

24.181.505 SITE VISITS (1) For the purpose of gathering data and information for the study, programs may be visited by the board or its designee.

(2) Department staff will contact the person responsible for the conduct of the program, as identified in the registration application, to request permission to visit the facility at least seven business days prior to the intended visit. (History: 37-48-103, MCA; IMP, 37-48-103, MCA; NEW, 2005 MAR p. 2677, Eff. 12/23/05.)

Subchapters 6 through 20 reserved

Subchapter 21

Renewals/Continuing Education

24.181.2101 RENEWALS (1) Beginning in calendar year 2009, renewal notices will be sent as specified in ARM 24.101.414.

(2) All licenses must be renewed pursuant to 37-1-141, MCA. The renewal date is set by ARM 24.101.413.

(3) The licensing renewal fees are calculated according to the program's average daily census:

(a) 0-10 participants	\$ 760
(b) 11-50 participants	3800
(c) 51-100 participants	7600
(d) 101 and more participants	11,400

(4) All fees provided for in this rule are nonrefundable and are not prorated for portions of the licensing period.

(5) Renewals that are in any manner incomplete on receipt by the department will be returned to the licensee for completion and resubmission. To be considered complete, the renewal must be accompanied by:

(a) the appropriate renewal fee. Checks returned to the department for any reason will be returned to the licensee for payment. The license will be considered not renewed until proper payment is received; and

(b) any other material or documentation the board may require for renewal as identified on the renewal notice.

(6) Completed renewals submitted to the board after the date specified in ARM 24.101.413 shall be considered late and subject to a late penalty fee as specified in ARM 24.101.403.

(7) The provisions of ARM 24.101.408 apply. (History: 37-1-131, 37-48-103, MCA; IMP, 37-1-131, 37-1-134, 37-1-141, MCA; NEW, 2008 MAR p. 1031, Eff. 5/23/08.)